

THE MARITIME CODE
OF THE
MALAYS.

[The following Paper comprises a translation by Sir S. Raffles of the more important passages of the Malacca Maritime Codes, interpolated with notes by the Translator. The manner in which this valuable contribution came into the Society's hands is sufficiently explained in a note which appears at the end of the Miscellaneous Notices. The reprint of this Translation, except for a few necessary corrections, appears in the exact form of Sir S. Raffles' original Paper as printed in the Malacca Weekly Register. A few foot notes under the initials above referred to are appended in explanation of certain obscure phrases.]

In the following Sketch, which defines the Laws and usages of the Malays at Sea, the Malacca Code has been selected for the text, as well on account of the admitted superiority of that once flourishing kingdom among the Malay states in general, as from the circumstance of this Code having, with some slight modifications, been adopted by several of the ancient and powerful states on the Island of Celebes, and still continuing in force among many of the Bugis and Macassar Traders from that Island. The Bugis and Macassar states, which are nations radically distinct from the Malays, possess a Maritime Code of still greater antiquity, but in better times they appear to have, in many instances, adopted the Sea Laws of Malacca, nearly in the same manner as the Romans adopted the celebrated Rhodian code.

The Malacca code appears to have been compiled during the reign of Sultan Mahmud Shah, the first. Later on, Malacca mentioned in the Malayan annals to have written:—the Mahomedan faith. The circumstance is undertaken place about the year of the Hajirah, corresponding with the Christian Era 1296.—The origin of the Malacca discovery. It is therefore, be considered as nearly coeval with the, though very blishment of Islamism among the Malays. The same as one the code is thus stated in the preamble.

“These are the Laws to be enforced in Ships, Junks, and Prahus.”

“First of all Pati Sturun and Pati Elias assembled Nakhoda Jenal and Nakhoda Dewa and Nakhoda Isahak for the purpose of consulting and advising relative to the usages at Sea, and of compelling in conformity thereto, a code of *Undang Undang* or Institutes.”

After they had consulted together and collected the Laws, they presented them to Dato' Bendahara Sri Maha-Raja in the kingdom of Malacca, who laid them at the feet of the Illustrious Mahmud Shah—Whereupon that prince said “I grant the request of the Bendahara and establish the Sea Laws and Institutes for your Government and that of your posterity.—When you administer these Laws at Sea they shall be carried into effect at Sea in like manner as those of the Land are carried into effect on Land, and let them not interfere with each other, for you,” addressing himself to the Nakhodas, “are as rajas at Sea, and I confer authority on you accordingly.”

The several Nakhodas who had framed the code were then honored with titles, Nakhoda Jenal received the Titles of *Sang Utama di Raja*, and Nakhoda Isahak that of *Sang Setia di Raja*?

“In such manner were the Laws established and made known during the times when the kingdom of Malacca was tranquil and prosperous during the reign of Sultan Mahmud Shah.”

1 & 2. According to other Copies these Titles are Sang-boya di Raja and Dupati Shah, when Sri Nara di Raja was Bendahara and governed that country.

Dyer to come, as the Laws of the Sea are established, as well “The quality of the Land, let them be observed in order that about 1s. 3d. undertaken may be properly regulated—let these be informed towards all Countries, in as much as the 1s. for the benefit, which relate to the Sea only, and the Laws of which relate to the Land only, are defined, because the Sea cannot interfere with those established on shore.

According to these Institutes let the Law be administered at Sea that no disputes and quarrels may take place—let them

be known and descend to posterity, that men may not act according to their own will and inclination, but that order and regularity may prevail on board vessels, as well during prosperity as adversity—let not what is established be done away, nor these laws be resisted or disobeyed.

If these Laws are attended to, no one can question this authority of the Nakhoda ; for as the Raja is on shore, so is the Nakhoda at Sea—this authority has been conferred by the Sultan of the Land upon all Nakhodas in order that they may administer the Laws on board their respective vessels—Whoever does not admit this authority offends against the Law.

It may be necessary to premise, that altho' the number and description of Persons must materially depend on the size of the vessel, and the nature and extent of the voyage, yet the following classes and denominations will be found to occur in almost every Prahú ; a term under which the Malays include every description of vessel.

The Nakhoda or Captain, who employs a Jurotulís or Writer, corresponding in some degree with a Purser.—

The kiwe or kiwi the principal of which is termed the Mûla-Kiwi : Supercargoes, or persons who have an adventure, in the voyage, and to whom part of the cargo belongs.

The orang Tumpang or Menumpang : Passengers from one Port to another.

OFFICERS AND CREW.

Malim.—The Master : there are generally two denominated the Malim besar and Malim Kechil, the superior and inferior, the latter of whom is the Malim “ Angin,” whose duty it is principally to manage the sails according to the wind, the chief Malim, attending to the course of the Prahú.

Juromudi.—Persons who steer the Prahú.

Jurobatu.—One who attends the anchor and fore part of of the Prahú.

Tukang.—Persons, literally workmen, Petty officers having specific duties according to their denominations : as *Tukang Pétak* the officer of the hold. *Tukang Agung* officer of the

mainmast or chief Petty officer. *Tukang Kiri* the officer of the larboard or left side. *Tukang Kanan* the officer of the right or starboard side, &c.

Awak Prah or *Anak Prah*.—The Crew or common men, which may consist either of free men, debtors or slaves.

OF THE RANK AND AUTHORITY OF THE NAKHODA AND OFFICERS.

Let every man obey the Nakhoda agreeably to the authority conferred upon him by the Sultan of the land from time immemorial, for he is the Raja while at sea, and altho' he may be young, he shall be as an *Orang tuha*, or have the authority of age, and administer the Law accordingly.

First.—It is the law, that in all Prahus of every description, the Nakhoda shall be as the Raja.

That the *Juromudi* or Steer-man shall be as the Bendahara, or Prime Minister; and the *Jurobatus* as Tëmenggong or chief Peace officer; and it shall be the duty of those to superintend every one, and to negotiate right and wrong within the Prah.

That the *Tukang kanan* and the *Tukang kiri*, shall possess a respectable influence and perform duty with the *Tukang Agung*.

That the *Jurobatu* * *Siar*, the *Guntang*, † and *Senawi* (a passenger who works his passage) as well as the *Tukang*, shall be under the immediate orders of the Nakhoda, and all the *Anak Prah* shall be under the orders of the *Tukang* belonging to the Prah.

The Malim shall be as a ruler or judge at Sea, as it is his duty to direct the course of the vessel.—

In the Macassar copy it is stated, that the owner of the Prah shall be as the Raja, the Nakhoda as the Bëndahara, the *Tukang* as the Tëmenggong, the *Tukang Haluan* (officer of the forecastle) as Mëntris, and the *Tukang Tengah* as *Sida Sida*

* This word appears to mean the "Superintending" *Jurobatu*, who "walks about" and looks after his subordinates. D. F. A. H.

† I have so far been unable to ascertain the meaning of this word. D. F. A. H.

(guards, eunuchs) —but as the Nakhodas are generally, and always in the smaller Prahus, owners, the distinction made at Macassar is that which changes the comparison.

Hakim or *Imam* in the ranks of the different officers in consequence of the introduction of a superior to the Nakhoda is of no real importance, and does not essentially alter the rank or influence of the officer.

If any of the Crew disobey the orders of the *Tukang Agung*, that officer shall deliver the offender over to the *Jurobatu*, in order that he may be punished with seven stripes, but it is the usage that such stripes shall not be inflicted with an *uplifted* or powerful arm, nor without the knowledge of the *Tukang*. If the person who has offended still resists the authority of the *Tukang Agung*, he shall be punished with four stripes more.

According to the Macassar copy, the *Anak Prah* are stated to be under the immediate orders of the *Tukang Tengah*. If any one resists his authority, he shall in the manner above described, be punished in the presence of the *Temenggong* (*Juromudi*) with three times seven stripes, and if the offended still resists the authority of the *Tukang* it shall be lawful for the *Temenggong* to hang him up (suspend him by the arms) and to punish him with three stripes more.

“If any of the Crew disobey the *Guntang* and *Senawi*, the offender shall be punished with three stripes.

*Of the duties of the Officers and Crew, and the nature
of their engagements.*

There is no description of persons who receive wages on board a *Prahu*, with the exception of persons who may act as substitutes for such as may be obliged to quit the *Prahu* on account of illness or otherwise. Every person on board has some commercial speculation in view, however small; and his engagement is made for the voyage.

The Nakhoda or owner of the *Prahu* gives to each according to established custom, what is termed *tolongan*, which signifies assistance or advances; which advances are of two kinds: consisting either of shares of the cargo, or loan of money.

In short, the whole voyage is to be considered as a commercial adventure of the whole of the persons engaged in it; and bears no slight similarity to the out-fit of a Dutch whaler.

OF THE MALIM.

“The Law respecting the Malim is, that he shall, if he requires it, be allowed one half of a division of the hold; and receive a further assistance from the Nakhoda to the extent of a Tahl and a half (12 Dollars) this officer being on the same footing with the Malim besar or chief Malim.

It is the duty of the Malim to remember the proper course to steer, and to know the sea and the lands, the wind and the waves; the currents, the depths, and the shallows; the moon and the stars, the years and the seasons; and the bays, and the points of land; the islands and coasts; the rocks and shores, the mountains and hills; each and every of them; and also to know where the Prahū may be at any time; with the whole of these the Malim should be well acquainted, in order that every thing may go on prosperously, as well at sea as on land; and that the Malim may be free from fault.

While a Prahū is at sea, the Malim again shall have charge of all the cordage, and rigging. He shall give orders respecting the same to the Tukang Agung, whose duty it is to see that the Anak Prahū do what is necessary respecting the same. The Tukang Kiri and Tukang Kanan shall also assist in superintending the Anak Prahū.”

According to the Macassar copy, “any of the Anak Prahū, who may neglect their duty, or the order of the Tukang, may be punished, at the *Petarana Lawangan* (fore-hatch) or place where the Cable and ropes are kept, with seven stripes. If every thing is not at sea as the Malim wishes it, and the sails are taken aback let him, on his return to Port, give alms to the poor, as an acknowledgement for his escape.

If the Malim forgets the course he is to steer, and through his ignorance, the Prahū is wrecked, he shall suffer death; for such is the Law.

If the Malim is desirous of quitting the Prahū, at any port or place, he shall not be permitted to do so.

OF THE JUROMUDIS OR STEERMEN.

It is the duty of the Juromudis, when relieved from their tour of duty at the helm, to superintend and take care of all the arms in the Prah. In the event of the Prah falling in with Pirates, let them combat with a strong hand and courageous heart, for such is their duty."

By the Macassar copy it is established, "that if the Juro-mudis or Jurobatus are desirous of quitting the Prah at any time, they may be permitted to do so on paying, the former, the sum of half a Tahil or one paha (4 or 2 dollars), and the latter, one Paha * or two mas (two or one dollars); each according to his ability, but not exceeding the sums stated."

OF THE PETTY OFFICERS AND CREW.

"If the Prah is from three to four Depa (fathoms) wide, the Anak Prah shall be allowed assistance, or a participation in the Cargo to the extent of one Koyan; and all other persons, not slaves, two Koyans.

If the Prah is two and a half Depa wide, the Anak Prah shall be allowed 300 Gantangs, and the others, not slaves, 600 Gantangs."

Independent of the description of persons above alluded to, as belonging to the Prah, it may be necessary to advert to slaves and debtors, particularly the latter; respecting whom the Law is as follows:—

"When any person wishes to bind himself in personal service for a Debt, let an agreement be required at the time that the debtor shall follow and perform service for his creditor for the term of three years, three months and three days" or according to the Macassar copy "for the term of three years; in order that if the party is not willing to conform thereto, he may not become a debtor; or if willing to do so, that he may follow and serve his Creditor accordingly."

* 4 "paha" make one "tahil," and each of them is divided into 4 "mâs" of which there are 16 to a "tahil" they are valued in Kalantan at $\frac{1}{2}$ a dollar. This "tahil" is a weight for weighing gold, but its value varies in different localities, it is given by Favre as the 16th part of a "kati" about 37 grammes and its value as 8 fr. 25 c. representing a sum of 2 dollars, to which the Macassar copy doubtless refers. D. F. A. H.

NOTE.—The Malay measures alluded to are as follows:—1 chupa equal to 1 Gantang (Cabouso Gallon) 16 Gantangs 1 Nal. 10 Nals (or 160 Gantangs) one Koyan; which is generally calculated at something like a ton, but virtues.

If at any time before the expiration of the above mentioned period, the debtor wishes to discharge the obligation, he shall be required to pay an advance at the rate of one in ten on the amount of his debt, in addition to the principal; unless he does this, he need not be permitted to quit the Prahū.—” According to the Macassar copy, “if the debtors of the Nakhoda wish to quit the Prahū at any place, by discharging their obligations, they shall, on paying the advance of 1 in 10 on the amount of the debt be discharged, and not be considered liable to the duty of the country; but if they have property in the Prahū beyond the amount of their debt, a further demand is authorized according to their ability to the extent of a paha (2 dollars) each.”

“This is the Law relating to the Kîwî. They shall pay for the tonnage they require, unless they have assisted the Nakhoda in his trading concerns to the extent of three or four Tahils (24 or 32 dollars); in which case the Nakhoda shall give them two three Koyans of Tonnage, or one division of the hold; it being considered that the profit on three or four Tahils is an adequate compensation.

“The Kîwî may obtain seven or eight divisions of the hold, but they shall not pay for four divisions as long as they are under agreement to pay a duty on their return to port (on the goods they load) at the rate of 4 out of every 13.

“The Mula Kîwî shall be entitled to half of the division of the hold* in which the Rice or provisions are stowed (Petak Gandung); because he is the Punghulu or head man of all the Kiwi.

“With respect to the duties of the country on the sales, it is the Law, that the Kiwi shall present eight peices of cloth and a bundle of Rattans. The Kiwi who present these shall be freed from paying all other duties of the country because this is adequate.

[Gantang: 1½ gallon.—W. E. M.]

* This word “gandung” Mr. Maxwell is disposed to take literally, viz., the hold for goods, but I am inclined to read “Gedong” or store, a more natural place for provisions, D. F. A. H.

"It is the usage, that in all affairs that may arise, good or bad, the Nakhoda shall advise with and consult the Mûla Kiwi and the Kiwi."

CHAPTER II.

It is the established Law of the Undang Undang (*isteadat hukum Undang Undang*) that all Nakhodas, and Malims, and Tukangs, and Muda-mudas, and Anak Prahû, each and every one, shall conform to what is the usage.

THE DIVISION OF A PRAHÛ.

These are the Laws respecting the Palas Lintang (1) (platform). No person shall go there except at the time when there is any business of importance, and then this is the place on which to assemble for the purpose of advising and consulting. If any of the Crew go upon the Palas Bujur (2) or foremast platform and remain there, they shall be punished with five stripes. The Palas Bujur is expressly appropriated for the recreation of the Muda-mudas. If any of the Crew go there, they shall be punished with three stripes.

No person is allowed to remain in the Petarâna (3) Lawangan or place where the cable and ropes are kept, except the Nakhoda, the Muda-mudas and the Tukang agung. If any of the Crew go there, they shall be punished with six stripes.

The Alang-muka (the place before the Nakhoda's Cabin) is appropriated for the Tukang-tengah, Tukang-kanan, and Tukang-Kiri. If any of the Crew go there they shall be punished with three stripes.

REGULATIONS FOR THE SAFETY OF THE PRAHÛ.

"When a Prahû proceeds to Sea every person on board shall be under charge of the Nakhoda."

"At the time a Prahû is about to sail on her voyage, the Malim shall inform the Tukangs thereof who shall direct the persons who have the watch (*orang berkepong*) to take care that the rigging and sails are in order, and to prevent accident by fire, as fire is a dreadful calamity at Sea."

(1) i. e., the spread out place crossways. D. F. A. H.

(2) i. e., the oblong spread out place. D. F. A. H.

(3) near the fore-hatch. D. F. A. H.

“As it is the duty of the Muda-mudas to superintend the men on watch, let them be careful that they perform their duty; for if any vessel drifts or runs on shore on any coasts or point of Land in consequence of the fault of the Muda-mudas, who neglect to superintend the people on watch, it is the Law that the Muda-mudas in such case shall be punished and fined according to their ability; with respect to the people on watch, they shall be punished with twenty stripes each.”

“If the Prahú drift from her anchorage, and approaches near the shore and the persons on watch are not aware of it, they shall be punished with eighty stripes each.”

“If the persons on watch allow Prahús to pass without hailing them,” or according to the Macassar copy, “allow the people in other Prahús to hail first, they shall be punished with seven stripes each.”—By that of Macassar the orang Muda-mudas shall also, in such cases, be liable to similar punishment, as is directed in the event of slaves absconding from a Prahú, which in the Malacca copy is as follows.

It is the duty of the person on watch to superintend and watch over all the slaves in the Prahú, in order to prevent their absconding. In this duty, as well as in all others they shall be superintended by the Muda-mudas. If, therefore, a slave at any time absconds from a Prahú, it shall be the duty of the Muda-mudas to find out the person who is to blame; and the person who is so found out shall be punished with sixty stripes.” The Macassar copy states, “he shall be answerable for and make good his value.”

“It is the duty of the person on watch, to see that the vessel is properly baled out: if therefore too much water is at any time allowed to remain, the persons who are on the watch at the time shall be punished with fifteen stripes each.”

“If the persons on watch do not keep a good look out, and any thing is stolen from the Prahú, they shall be punished with two stripes from every person in the Prahú.”

“It is the usage that persons on watch shall each be allowed convenience for smoking opium, in order that they may not fall asleep during the time it is necessary for them to keep watch.”

“When the term of the watch shall expire, the persons who are to be relieved shall deliver over charge to the persons appointed to succeed them, and give notice thereof to every one, and to the Muda-mudas.”

It is the duty of those who dress victuals (*orang bertupei*) (1) to guard against accident by fire while a Prahú is at sea; after the victuals are dressed, the fire shall be carefully extinguished; and if any person neglects to do so, and the cooking place takes fire, the Law is that after all the people in the Prahú shall have put out the fire the person through whose neglect it was occasioned shall be punished with two stripes from each person in the Prahú, and his master shall be warned to be more careful in future, in order that the servant may not be guilty of such neglect again, for of all things fire is to be dreaded at sea.

If the person who is the cause of the fire is a slave, the master shall be fined four *paku pitis jawa*; if the master refuse to pay, the slave shall be punished with four stripes “according to the Macassar copy” and such punishment shall be inflicted at the *Timba Ruang* or place from which the Prahú is baled out.

THE LAW RESPECTING THROWING CARGO OVER BOARD.

“When there is a violent storm, and it may be necessary to throw over board a part of the cargo for the safety of the Prahú, a general consultation shall be held with respect to the property in the Prahú, and those who have much and those who have little must agree to throw over-board in proportion.

“If the Nakhoda omits to assemble all those who are interested, and the cargo is thrown over-board indiscriminately, the fault shall be on the Nakhoda of the Prahú, for such is not the custom.

OF PRAHUS RUNNING FOUL OF EACH OTHER.

“If a Prahú runs foul of a guard or armed vessel, in which case they are liable to forfeit their lives, the offence may be compounded by each person on board the Prahú paying such sum as a ransom for life as may be agreed upon; each paying alike whether slaves or not slaves, rich or poor, young men or women, and one not more than another.

(1) “*tupei*” cooking-place.—D. F. A. H.

"If during a heavy sea or high winds, a Prahū strikes upon a rock or on a shore or shoal, or runs foul of another Prahū, by which one is lost, the Law is, that the loss shall not be considered as accident but as a fault; because, when there is a heavy sea the Prahū ought to be kept out of the way from such occurrences."

"The Law therefore states, whether the parties are rich or poor, the loss occasioned by the damage or wreck of the Prahū shall be divided in three proportions, one of which shall be borne by the person to whom the lost or damaged Prahū belonged, and the remaining two thirds by the persons who were the occasion of it."

The Macassar copy differs in this respect being as follows: "During the time that there are one or more Prahūs in company, and there happens to arise a Storm, and the Prahūs run foul so that one is damaged, the fault shall be upon the persons in the Prahū that runs foul of the other; and the Law is (* *papa Kërma*), according to what the loss or damage may be the amount shall be divided into three parts (only), one shall be made good by the persons in fault the other two parts being lost."

OF PUTTING INTO PORTS AND THE MODE OF TRADING.

"When the Nakhoda may be desirous of touching at any Bay, Coast, or Island, he shall hold a general consultation, and if it is approved of and agreed upon, it is proper that the Prahū shall go where he wishes. But if the Prahū puts into any Port or place without the Nakhoda having previously held a consultation, the Nakhoda is guilty of a fault."

"In like manner, if the Nakhoda is desirous of sailing to any other place or of crossing from one shore to another, he shall first hold a consultation, and then if it is agreed that it shall be so, the ropes shall be put in order, and when the rigging and sails are ready a further consultation shall be held with the Juromudi, and Jurobatu, and the Tukang Agung in order that the Prahū may proceed accordingly."

"When a Prahū arrives at any Port the Nakhoda shall be first allowed to trade for four days, after which the Kiwi shall

* Accident.—D. F. A. H.

trade for two days, and then it shall be allowed to all on board the Prahū to trade."

"On the Nakhoda's going on shore he shall be accompanied by the Muda-mudas, who shall afterwards return to their duty on board the Prahū."

"After the regulated periods for trading shall have expired, and the Nakhoda wishes to make a purchase, no person belonging to the Prahū shall offer a higher price; and if there are any persons who offer to purchase the goods of the Mula Kiwi or others, it is the Law, that the Nakhoda should first be made acquainted with the price."

"If any person on board a Prahū shall purchase a slave, or any merchandize, without informing the Nakhoda thereof, it is lawful for the Nakhoda to take them to himself, on paying the cost originally paid."

"If any person on board a Prahū purchases a female slave without knowledge of the Nakhoda, it is the Law that the Nakhoda may take her to himself without reimbursement to the Purchaser; such is also the Law with respect to runaway slaves who may be so purchased."

According to the Macassar copy the following is the amount of duty to be paid by Prahūs at different Ports.

"When a Prahū arrives at Java, the amount of tribute or duty on the account of each division of the hold is 500 Pitis, and 2 *Sails*."

"At Bima, 600 Pitis, 2 *Sails*, and one bundle of Rattans. At Timor, 700 Pitis, 2 *Sails*, and one bundle of Rattans. At Mengkasar (or Macassar) 2 Gantang of Gunpowder, 3 *Sails* and two bundles of Rattans."

"At Tanjong Para 600 Pitis, 2 *Sails*, and 1 bundle of Rattans."

"When slaves are purchased at Java, the duty shall be calculated on twelve men for each division of the hold."

"And whatever Prahū goes to any country for the purpose of Trading, the duties of that country are calculated upon each Prahū having eight divisions of the hold."

OF DETENTIONS.

“The Law is, that when the season is nearly over (Musim kasip) and the Nakhoda of the Prahu omits to sail, the Kiwi shall wait on his account for seven days; after which, if the Nakhoda does not proceed, and the season is over, the price paid for the divisions of the hold shall be returned to the Kiwi.”

“If the Kiwi are the cause of delay, and the season is nearly over the Nakhoda shall detain the Prahu seven days on their account, after which he is authorized to sail without them, and no more shall be said or done relating thereto.”

“If the season is not far encroached upon, and the Nakhoda shall be desirous of sailing with despatch, let him give notice thereof to the Kiwi and enter into an agreement with them to sail in seven or fifteen days—and if the Kiwi are not then ready the Nakhoda is authorized to leave them behind, and to sail.”

OF PERSONS QUITTING A PRAHU.

“If a Kiwi quits the Prahu (of his own accord) at any place during the voyage he shall forfeit the price paid for his division of the hold and have no further claim on the Nakhoda.”

“If it is on account of any disagreement or quarrel that he is desirous of quitting the Prahu, (and in order to prevent mischief) one half of the sum paid for his division of the hold shall be returned.”

“But if a Kiwi is very quarrelsome, and creates much trouble and dissension it is proper for the Nakhoda to send him on shore as soon as possible, and to return him the price he has paid for his divisions of the hold.”

“The Law with respect to Passengers (Orang menumpang) is that if they quit the Prahu at any time before they arrive at their destination even if the voyage is only half completed, it shall be the same as if they had reached their destined Port, and no part of what has been paid shall be returned.”

“If one of the Crew is sick, it is proper to wait for him five or seven days, and if he is not then recovered, and the rest of the Crew shall say, ‘Why are we to bale out the vessel without his assistance’ they shall be authorized to enquire for a

man for hire, but it must not be one of the Crew that is so hired for wages, because no person can perform the duty of two. If the Nakhoda cannot find a substitute, the wages shall remain in his hands, and he shall divide the sick man's share of the cargo and property in the vessel among the rest of the crew."

CHAPTER III.

OF PERSONS WHO MAY BE IN DISTRESS OR WHO MAY HAVE BEEN WRECKED AT SEA.

Orang Karam.

"These are the Laws relating to Persons who may be in distress or suffer from hunger in consequence of a scarcity of Rice and Padi in their Country."

"If at a time when, in consequence of its having pleased the Almighty to visit the Rajas and Nobles with dissensions, or owing to a state of war there shall be great distress in any country from the want of food, the poor and wretched shall say to the rich, 'take us as your slaves, but give us to eat;' and afterwards, the persons who have relieved them shall be desirous of selling them when the Country has recovered from its distress, it is the Law, that they shall give notice thereof to the Orang besar or principal people, and the Magistrate shall direct that the parties be not sold, because they were distressed at the time of the agreement; the Magistrate shall, however, order that the person who provided the food shall have a claim on the person who received it to the extent of one half of the amount of his value."

"If a Slave is not provided with food by his master, the Magistrate shall direct him to perform service for the person who relieved him for four seasons, after which he shall be returned to his Master. If such Slave dies while performing service for the person who relieved him, and the circumstance is made known to the proper Officer, he shall not be answerable for his value; but if the Slave dies and the person for whom he performs service does not report it, he shall be answerable to the proprietor of the Slave for half the amount of his value, for such is the loss sustained when a Slave dies."

In conformity to the above are the Laws respecting persons in distress at Sea or who have been wrecked.

“If the persons who have been wrecked say ‘take us and sell us rather than allow us to perish here,’ and the Nakhoda takes them accordingly, he shall only have a claim to their Services until the Prahu reaches the Port, when, if he is desirous of selling them it shall be his duty to report the same to the Shahbandar, in order that the Magistrate may direct that the Nakhoda be entitled to half the amount of their value; what the persons who were wrecked may have said shall not be attended to because they were in distress.”

“If persons who have suffered from being wrecked are met with at the time they are in the water swimming, without a chance of their reaching the land in safety, and at their request are taken up by the Nakhoda of any Prahu, the Nakhoda shall be entitled to demand on his arrival at Port the sum of 1 Paha (2 Dollars) if the party is not a Slave, and if a Slave, the half of the amount of his value, but no more.”

“If ship-wrecked persons are met under the lee of an Island where they have gone on account of high winds and shall be in distress, the demand on account of each, if not a slave, shall be 5 Mas (2 Dollars and a half) and if a slave 7 Mas (3 Dollars and a half each).”

Another copy of the Malacca Code states that the Nakhoda is to demand as follows, on account of the *Gantong Layer* or hoisting of the Sail:—

“For all persons who may have been wrecked, and may be met at sea and taken up, the Nakhoda shall be entitled to demand on account of the *Gantong Layer* at the rate of a *Tahil* (4 Dollars) each, and if such persons require to be supplied with victuals, he shall be entitled to make a further demand at the rate of a paha (2 Dollars each).”

The Nakhoda is authorized to make a similar demand for all persons who may have been passengers in vessels that have been wrecked, if they have not reached their destined port according to their agreement, and they shall have got landed previously, the law is that the demand shall (also) be at the rate of a half *Tahil* for each; if otherwise (and they shall have arrived at their destination) a paha (2 Dollars) each, which is in full of all that can be demanded.

OF FISHERMEN.

“It is the Law with respect to Fishermen (Orang Pengail) men who fish with lines and hooks, that if they have lost their Prahú and are taken up by a fisherman of their own class the demand shall be at the rate of 1 paha (2 Dollars) for each; and if they still retain their Prahú, but have lost their Sails and Paddles, in such case, the demand to be made by those who take them up shall be 2 Mas (1 Dollar) each, for such is the Law respecting fishermen of this description.”

“The Laws respecting (Orang menebas) fishermen who fish in fishing rivers are the same when they are wrecked and in distress as the Laws of the Sea, but they shall be administered by the Shahbandar of the Port.”

OF TROVES.

“These are the Laws respecting anything that may be found, whatever it may be, whether Gold, Silver, runaway Slaves or otherwise.”

“Whatever is found on the Sea, whoever may discover it, is the property of the Nakhoda of the Prahú, who may give what he thinks proper to the person who found it.”

“Whatever may be found by the persons sent on shore to procure wood or water, in like manner becomes the property of the Nakhoda; because such persons act under his authority, and are performing the duty of the Prahú.”

According to the Macassar copy the Trove is to be divided into four parts, one of which (only) shall belong to the Nakhoda because there are many of them.

“But whatever may be found on shore by persons belonging to the Prahú, at a time when they are not acting under the orders, nor performing the duty of the Prahú, even if the parties are Kiwi or Tumpang meniága * the Trove shall be divided into three parts and one third shall appertain to the finder and the two parts become the property of the Nakhoda.”

* “Berniága” is the ordinary form, but “meniága is also used by some.—D. F. A. H.

“If a Trove is found under such circumstances by the Nakhoda's debtors in that case one half of the Trove shall belong to the debtors and the other to the Nakhoda.”

By the Macassar copy this is also the case with respect to what may be found by the Tumpang meniâga.

“If a Kiwi goes on shore in any Bay, Coast, or Island, not on account of his performing the business of the Nakhoda but exclusively for his own concern, whatever Trove he may find it shall be divided into two parts, and one shall appertain to the finder, the other to the Nakhoda.”

“If any of the Nakhoda's family find anything under such circumstances, the Trove shall be divided into four parts one share of which shall belong to the Nakhoda, the other three to the finder.”

The Macassar copy states, that if a muda-muda selected by the Nakhoda meets with persons who have run away, whether it be in a Bay or on Coast or elsewhere, the Nakhoda shall alone be entitled to benefit by it.

“If Slaves belonging to the Nakhoda under any circumstance meet with a Trove it shall become the property of the Nakhoda, who may give to the finder what he thinks proper.”

“Under whatever circumstances Slaves who have absconded from their Master may be met and apprehended by the people belonging to Prahû, they shall become the property of the Nakhoda, who is, however, bound to restore them to the original proprietor, wherever he may be met, and wherever the Slaves may be brought from, on being paid one half of their value. Whatever valuables such Slaves may have in their possession at the time they are apprehended shall belong to the Nakhoda.”

“If a Prahû is driven from the Land without the fishermen, the persons who meet with it and bring it to the shore shall be entitled to demand half its value as a reward; but there are two cases in which such reward shall not be given.”

“First.—When the Rope by which the Prahû is fastened is cut by any person, and the Prahû is carried out by the current, the proprietor shall not be obliged to give any reward.”

“Secondly.—When a Prahū is stolen by any one and afterwards set adrift and is carried to a distance by the current, it is not incumbent on the proprietor to pay any reward to the person who meets with it and brings it to the shore.”

“The Prahūs of a Rajah or of the Orang besar-besar (Nobles) * shall be exempted. No specific reward shall be demanded for them, but the Richmen † to whom they belong shall give to those who find them what they think proper.”

“With respect to the Sampan, or small Boats, it is Law, that when a person meets with a Sampan that has been drifted a considerable way with goods in it, and the proprietor demands it back, the value shall be divided into three parts, and the person who found the Sampan shall be entitled to a quarter of one of those parts (this appears to apply to Rivers only).”

“If a person find a Sampan out at Sea with goods in it the Law is, that according to what may be in the Sampan the finder shall be entitled to one third part, and the owner receive back the remaining two thirds.”

OF CARRYING OFF SLAVES FROM ANOTHER COUNTRY.

“If the Slave of a Raja is stolen, it is the Law, that the Nakhoda shall be put to death. If the Slave of an *Orang besar* or of a Bēdahara, is stolen, the Nakhoda shall be fined 10 Tahils 1 Paha (42 Dollars). If the Slave of a Tēman Rayet (common person) is stolen by the Nakhoda he shall not only return the Slave but pay a fine in addition equal to the value of the Slave.”

“If the Nakhoda carries off the Slave of the Shahbandar, the Law directs that his effects shall be seized and he shall be fined, because he has no respect and attention for the Country but in his case the Raja may pardon him if he thinks proper.”

CHAPTER IV.

OF CRIMES AND PUNISHMENT ON BOARD A PRAHU.

“There are four Cases, in which, it is lawful to inflict Capital punishment on board a Prahū.”

(*) Chiefs.—W. E. M.

(†) Orang-kaya.—W. E. M.

“ First.—When any person mutinies against the Nakhoda.”

“ Secondly.—When any person conspires and combines with another, for the purpose of killing the Nakhoda, the Law is, that whoever he may be, whether Kiwi or Tukang, or Malim, he shall suffer death.”

“ Thirdly.—When a man contrary to custom wears his Kris when other persons in the Prahú do not, and with the view of effecting some purpose of his own, and of following his own inclination, it shall be lawful, on sufficient evidence being adduced that it is his intention to do mischief with his Kris to put such person to death without delay, in order to prevent harm.”

Under this head, the Macassar Copy adds, that when a man is very bad indeed, beyond every other person in the Prahú, and evinces his intention of carrying his evil disposition into effect, it is law ful to put such person to death; and nothing more shall be said respecting it.

“ Fourthly.—In certain cases of Adultery.”

Of disrespectful and contumacious behaviour towards the Nakhoda

(1) (*Orang Degil dangedda, or according to the Macassar Copy, Orang teaddat juabonco.*) (2)

“Whosoever is not respectful and obedient to the Nakhoda, whatever may be his Rank, or Station, such person shall be adjudged and punished according to the nature of his offence, by the Law of *Jadil dan jedda* (3) and in the same manner as if such conduct had been shewn towards Nobles and Rajas on shore, or the Senâwi may be directed to abuse or insult him, and if he retaliates he may be subjected to the abuse or insult of every person on the vessel. If he asks forgiveness it may be granted, but let him be punished, notwithstanding, in order that he may not do the like another time.”

(1) I have been unable to ascertain the meaning of the 2nd of these words, but “degil” means “obstinate,” and the next word, as so often occurs in these cases, is probably little more than a synonym or possibly some word indicating authority.

(2) Of these words I cannot learn the meaning, but they are no doubt Bugis.—D. F. A. H.

OF ADULTERY AND CRIMINAL CONNECTION WITH A
WOMAN, ON BOARD A PRAHU.

"If any Person on board a Prahu has criminal connection with the Woman of the Nakhoda it is the Law, that he be put to death."

"If the parties are not slaves, and the Woman is married, it shall be lawful for the Nakhoda to order them both to be put to death by the Crew."

"If the parties are not Slaves and both unmarried, they shall be punished with one hundred stripes each, and afterwards obliged to marry. This punishment may be compounded, on the parties paying a fine of 1 Tahil, 1 Paha (6 Dollars); but in either case they must marry, and if necessary, be forced to do so, after which the woman's fault shall be forgotten."

"If a man, not a Slave, has criminal connection with a female Slave who cohabits with her master, he shall pay to the master the value of such Slave provided she has never been pregnant and but lately cohabited with her master; but if she has been pregnant and long cohabited with her master, the man shall be put to death. In either case the Woman shall suffer death."

"If a man is not a Slave and commits adultery with the wife of any of the Crew, it shall be lawful for the husband to put him to death without further reference. The husband may also put the woman to death; if he does not do so, she becomes the Slave of the Nakhoda, who shall provide him with one, in order that he may be content and ready in the performance of his duty on board the Prahu."

"If a male Slave has criminal connection with a female Slave, they shall suffer the punishment of beating, which is to be inflicted by the whole Crew, under the superintendence of the Tukang Agung, for such is the law in this case with respect to Slaves."

"If any person holds an improper discourse with the female Slave of another person and it is in presence of many, he shall be made to pay her value."

(3) the first of these words means "dispute," the 2nd the meaning of may approximately be conjectured from the contents and in the same way as hinted at in the 1st note in the preceding page.—D. F. A. H.

OF QUARRELS, DISPUTES, AND DISSENSIONS ON BOARD A PRAHU.

“If any person quarrels with another on board a Prahu, and attempt to wound or strike him, and the blow missing its object falls on any part of the Prahu,” or according to the Macassar Copy “If any one quarrels with another in a Prahu, and in the scuffle cuts or injures any part of the shrouds, or cable, he shall be fined in the sum of 4 paku Pitis Jawa.”

“If a man quarrels with another in the forepart of the Prahu, and draws his Kris and afterwards comes off as far as the place where the sails are kept, towards the person he has quarrelled with, it is lawful that he may be put to death; but if he can be apprehended, he shall be fined instead, to the amount of 1 Laksa 5 Paku Pitis Jawa.”

“If a man quarrels with another and follows him quarrelling to the door of the Nakhoda's Cabin, tho' he may not have drawn his Kris, it is lawful to put him to death, but if he can be apprehended he shall be fined instead to the amount of 2 Laksa Paku Pitis Jawa.”

“If a Kiwi quarrels with the Nakhoda and approaches towards him in the after part of the Prahu he may be put to death, but if he asks forgiveness it may be granted on his paying a fine of 4 Paku Pitis Jawa and providing a Buffalo for the entertainment of the Nakhoda,” or according to the Macassar Copy, “5 Paku pitis Jawa and a present to the Nakhoda of a Buffalo and a Jar of Tuak (Toddy).”

OF THEFT.

“If a man who is not a Slave commits a theft on board a Prahu, whether the thing stolen be gold, silver, or other, he shall be punished according to the Law established on the Land.”

“If a Slave is guilty of a Theft, he shall, in the first instance, be confronted with his master; and if it appears that the master knew of the Theft and did not inform the Nakhoda or Tukang thereof, but it reaches the Nakhoda through other information the Law is, that the Slave's hand shall be cut off and the master fined as if he himself had been the thief, because the Law is the same, with respect to the thief and the person who receives the articles that have been stolen.”

In concluding the above translation, it may be necessary to observe, that by the Laws of Ports and Harbours, which may be considered as part of the Maritime Law it is established, that if there is reason to believe the Nakhoda does not conform to the Institutes herein laid down, his conduct may, on his return to Port, be enquired into.
